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EXAMINER	
LEE, LAURA MICHELLE	

ART UNIT	PAPER NUMBER
3724	

NOTIFICATION DATE	DELIVERY MODE
04/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/539,652	BUREAU, COME	
	Examiner	Art Unit	
	LAURA M. LEE	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-17* is/are pending in the application.

4a) Of the above claim(s) *17* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *1/12/2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed 1/11/2008 in which claims 1, 3-17 are pending, claim 17 is withdrawn and claims 1, 3, 10-13 are currently amended.

Response to Arguments

2. Applicant's arguments filed 1/11/2008 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., independently operable guide and drive mechanisms, angularly operable first guide/drive mechanisms, dynamically or real time operated support plates and/or guide drive elements) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is also noted that Stroud discloses that the scanning system is also useful with optimized cants (see "Summary of Invention"), or cants similar in profile to the McGriff resawing cants, and further eliminates the need for a subsequent optimizer prior to sawing boards. The benefits of the Stroud scanning system are therefore applicable to the McGriff resawing apparatus.

Specification

3. The amendments to the specification were received on 1/12/2008. These amendments are acceptable.

Drawings

4. The drawings were received on 1/12/2008. These drawings are acceptable.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 3-5, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGriff (U.S. Patent 4,210,184) in view of Stroud (U.S. Patent 4,947,909). McGriff discloses an apparatus for guiding a plank towards cutting tools, the apparatus comprising: a frame (support frame, 10); a platform (base plates, 94/94 and table 48) mounted on the frame (10) and having a support surface (48) for supporting the plank; a first guide and drive mechanism (84, 84) mounted on the platform for receiving, guiding and driving the plank along a path (32) on the support surface, the first mechanism comprising two first guide and drive elements (84,84)

arranged opposite relative to the path; a second guide and drive mechanism (82,82) mounted on the platform for guiding and driving the plank from the first mechanism along the path on the support surface up to the cutting tools (44), the second mechanism comprising two second guide and drive elements (82, 82) arranged opposite relative to the path and being substantially parallel to the path, the guide and drive elements of the mechanisms located on a same side of the path being connected by a pivot axis (axis of the toothed chain); and displacing means (rocket arm, 118) for displacing the guide and drive elements from the first and second mechanisms in parallel and equidistant in relation to the path (32); wherein the platform (94/94/48) comprises at least one support plate support plate (i.e. 88/90) in relation to the path(32), the guide and drive elements (82,84,86; right side) and (82,84,86; left side) of the mechanism located on a same side of the path being mounted on the corresponding support plate (i.e. 88/90), the apparatus further comprising at least one actuator (i.e. adjustable linkage rods, 120/122) for displacing each support plate transversally in relation to the path; wherein each of the guide and drive elements of the mechanisms comprises an endless belt (conventional chains and sprockets; see col.5, lines 59-68 through col. 6, lines 1-3) having an exterior surface for cooperating with the plank to be guided (it is considered that the entire belt, not only the exterior surface, cooperates with the plank in as much as the belts are used to drive the feed rollers; and wherein the first and second drive mechanisms (84/82) comprise means (i.e. air cylinder, 130) for exerting a pressure on the first and second guide and drive elements on each side of the plank.

McGriff does not disclose an evaluating means for evaluating the plank representing at least one parameter of the plank and generating a signal representing that at least one parameter for operating the displacing means, the support plate, or the pressure from the first and second guide and drive mechanisms. Instead, McGriff discloses that these operations are manually operated. However, attention is directed to the Stroud device that discloses another device that optimizes the volume of boards cut by a log in which the system takes into account curved, tapered and straight logs to automatically position the displacement means. Stroud discloses utilizing a scanning system that records in the computer memory the shape of the cant so that the feed rolls can be positioned by the computer in accordance with the signal from the scanning means to process the cant, whether its surface is be curved, tapered, or straight. Stroud discloses that the generated signal is also useful with optimized cants (see "Summary of Invention"), as similar to cant profile in the McGriff resawing operation, and eliminates the need for a subsequent optimizer prior to sawing boards. It would have been obvious to one having ordinary skill in the art at the time of the invention to have similarly provided a scanning / automated system on the McGriff resaw apparatus to enable a scanning and subsequent roll positioning system based upon the generated scanned input signal as taught by Stroud to automatically manipulate the McGriff feeding apparatus, eliminating additional operator assistance. Additionally it is noted that it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

In regards to claim 3, the modified device of McGriff discloses wherein each of the guide and drive elements of the mechanisms comprise toothed wheels (sprockets) for driving the endless belts, and wherein the exterior surface of the endless belt (chain) is covered with a toothed chain mat (the chain is comprised of teeth).

In regards to claim 4, the modified device of McGriff discloses wherein the guide and drive elements of the mechanisms located on the same side of the path have a common toothed wheel (Hutchinson 34) which is able to turn about the pivot axis, the belts of the guide and drive elements of the mechanism located on the same side of the path together forming a single belt.

In regards to claim 5, the modified device of McGriff discloses wherein each of the guide and drive elements of the mechanisms comprises a support wall (Hutchinson 30) facing the path and located between the intended wheels for supporting the belt.

In regards to claim 9, wherein the first and second guide and drive mechanisms comprise means for (air cylinder, 130) exerting a pressure on the first and second guide and drive elements on each side of the plank.

In regards to claim 14, further comprising two trimming heads mounted on either side of the path (column 8, lines 38-44).

7. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGriff (U.S. Patent 4,210,184) in view of Stroud (U.S. Patent 4,947,909) and in further view of Richardson (U.S. Patent 2,169,394).

In regards to claim 6, the modified device of McGriff does not disclose wherein the displacing means comprises: first and second pairs of jointed arms located on either side of the path, the arms of each pair being arranged in parallel, the arms of each pair being mounted between the support surface and the corresponding second guide and drive element; McGriff only discloses one actuator on each side. However, attention is directed to the Richardson device that similarly discloses a feeding machine, wherein each roller (10,11,12, and 13) are each moved with a corresponding actuator, such that there are two mounted between the first and second guide and drive elements. It is also noted that it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. It would have been obvious to one having ordinary skill in the art to have added a actuating mechanism to each side of the McGriff device as taught by Richardson to have provide additional control and movement means of the rollers.

Therefore, the modified device of McGriff discloses first and second pair of jointed arms located on either side of the path, the arms of each pair being arranged in parallel, the arms of each pair being mounted between the support surface and the corresponding second guide and drive element; and a mechanical connection (the attachment means on rocker arm, 118) linking the first and second pairs of jointed arms for coordinating a movement of the pairs of jointed arms in parallel and equidistant relative to the path.

In regards to claim 7, the modified device of McGriff discloses wherein the mechanical connection comprises means for adjusting the length of the mechanical

connection according to the distance between the support plates (see McGriff, column 7, lines 11-22).

In regards to claim 8, the modified device of McGriff discloses wherein the means for adjusting the length of the mechanical connection comprise an actuator mounted on the mechanical connection between the first and second pairs of jointed arms (see McGriff, column 7, lines 11-22).

8. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGriff (U.S. Patent 4,210,184) in view of Stroud (U.S. Patent 4,947,909) and in further view of Richardson (U.S. Patent 2,169,394) and in still further view of Jansson (U.S. Patent 4,637,443). The modified device of McGriff does not disclose wherein the means for exerting a pressure on the first guide and drive elements comprise two actuators being mounted between the first guide and drive element and the second guide and drive element of a same side of the path, McGriff only discloses one actuator. However, attention is directed to the Richardson device that similarly discloses a feeding machine, wherein each roller (10,11,12, and 13) are each moved with a corresponding actuator, such that there are two mounted between the first and second guide and drive elements. It is also noted that it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. It would have been obvious to one having ordinary skill in the art to have added a actuating mechanism to each side of the McGriff

device as taught by Richardson to have provide additional control and movement means of the rollers.

Furthermore, in regards to claims 12 and 13, the modified device of McGriff does not disclose that the two actuators are bellows. However, attention is further directed to the Jannson saw assembly that discloses that the actuator devices, i.e. the pneumatic piston-cylinder devices 23 can be replaced, for example, with simple pneumatic bellows supplemented with feed-device spring return means. Therefore as both means are equivalent means of moving the rollers and as both means are old and well known in the art as shown by Jannson, it would have been obvious to one having ordinary skill in the art to have substituted the two actuators for two bellows such that the modified device of McGriff would disclose that the means for exerting a pressure on the first guide and drive elements comprise two bellows being mounted between the first guide and drive element and the second guide and drive element of a same side of the path and mounted between the support surface and the corresponding second guide and drive element.

9. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGriff (U.S. Patent 4,210,184) in view of Stroud (U.S. Patent 4,947,909) and in further view of Sellers, Jr. et al. (U.S. Patent 3,844,399), herein referred to as Sellers.

The modified device of McGriff does not disclose detection means for detecting different positions of the plank in the apparatus, and activation means for activating the

first and second guide and drive mechanisms as a function of the different positions of the plank. However, attention is directed to the Sellers device that discloses another log conveying apparatus wherein a plurality of photocells (120; Figure 6) are used to activate and deactivate the guiding roller assemblies according to the presence or absence of log at the assembly. Thereby when a log approaches, the photocells detect the logs presence and signal a control switch to active the rollers against the log. It would have been obvious to one having ordinary skill in the art at the time of the invention to have similarly utilized a plurality of photocells on the McGriff device as taught by Sellers to automate and/or deactivate the rollers upon the detection or lack there of the logs to create a more efficient system.

In regards to claim 16, the modified device of McGriff discloses wherein the detection means comprise photocells (120) for detecting a displacement of the plank when said plank is received by the first guide and drive mechanism.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA M. LEE whose telephone number is (571)272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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